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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,253	12/15/2003	Alexander G. Avganim	P/4222-8	5820

2352 7590 12/16/2004

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

EXAMINER	
GALL, LLOYD A	

ART UNIT	PAPER NUMBER
3676	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/737,253	AVGANIM, ALEXANDER G.
	Examiner	Art Unit
	Lloyd A. Gall	3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 October 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Applicant's election without traverse of the species of figures 1-4 in the reply filed on October 4, 2004 is acknowledged.

The disclosure is objected to because of the following informalities: In the first paragraph of page 1 (the continuing data), "December" should be replaced with –October--, and the status of the parent application including its patent number should be provided. The specification should also be amended to include the amendments to the specification made in the amendment of October 14, 2003 in the parent application. On page 13, line 11, "902" should read –952--. On page 13, line 11, "906" should read –954--. On page 13, line 26, "902" should read –952--. On page 13, line 26, "904" should read –954--. On page 13, line 27, "904" should read –954--. On page 13, line 28, "904" should read –954--. On page 13, lines 28-29, "such that...collar 840" should be deleted, to conform to the parent application. On page 13, line 31, "902" should read –952--. On page 13, line 32, "902" should read –952--. On page 13, lines 32 and 33, "904" should read –954--.

Appropriate correction is required.

Claim 5 is objected to because of the following informalities: In claim 5, page 19, line 1, "small" at the end of the line should read –smaller--. Appropriate correction is required.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claim 5, page 19, lines 3-5, the original description does not provide support for the outside diameter of the second collar 160 as being smaller than the outside diameter of the first collar 130 (see figure 3). This is regarded as new matter.

Claims 1-6 and 10 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 6,705,133. Although the conflicting claims are not identical, they are not patentably distinct from each other because the subject matter of claims 1-6 and 10 of the instant application can be found in claims 1-14 of patent no. 6,705,133.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

It is noted that with respect to the prior art rejections which follow, that a "laptop" is not being positively claimed, and that the prior art references relied on in the rejections are capable of functioning with a laptop, such as by being attached thereto, if desired.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by the German reference (723).

As seen in fig. 3, the German reference teaches a lock assembly capable of functioning with a laptop, including a lock body 3, a lock 16, 5, 6 to place the lock assembly in a locked/unlocked state, and means 18 for forming an enclosed area for an object 7.

Claims 1-4 and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Monaco.

Monaco teaches a lock assembly 10 capable of use with a laptop, including a lock body 14 having a locking portion defined by the periphery of slots 34, a cable plug 12 slidable in the lock body and including an arm which overlies the rightmost cable 80 as seen in fig. 13, and a lock (padlock 40) to define locked/unlocked states and an enclosed area for the cables 80 as seen in figure 13. With respect to claim 2, the lock body includes a first lock body (the portion of 14 above the grips 32 and a second lock body below the grips 32 to receive the padlock. With respect to claim 3, an arm is formed between the slots 34 of the lock body to cooperate with the arm of the cable plug. With respect to claims 7-9, a cable 80 is used in figure 9, including a looped portion 82 which is capable of being attached to a solid support, and a cable box directly above the loop 82 in figure 9. With respect to claim 10, Monaco teaches a lock body 14, a lock (padlock 40), and means defined by the above described arms for forming an enclosed area to receive the cable 80.

Claims 1-4, 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by McFarland.

McFarland teaches a lock assembly capable of use with a laptop, such as be being attached to a laptop, including a lock body defined by first 25 and second 2 lock bodies,

a cable plug 1, 13 having an arm (curved arch portion 1) for defining an enclosed area with an arm (the middle portion 25 in fig. 2), and a lock 6. With respect to claim 7, cables are clamped by the lock assembly.

Claims 1-6 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Galant (928).

Galant teaches a lock assembly which is used with a laptop computer, including a lock body, the lock body 18 as seen in figure 1 including a first upper flat lock body to define an arm to receive the cable plug 14 therein and a curved second lock body to receive a key-operated lock 272 and detent 270 therein, the cable plug 14 including an arm 32, 36 in fig. 1 which functions with the flat upper arm of the lock body 18 to define an enclosed area to clamp a laptop therebetween, wherein the cable plug 14 includes a head 44, a first collar 42 having an outside diameter smaller than the head, an unlabeled stem below the first collar, a second collar 42 below the first stem, and a second unlabeled, smaller diameter stem below the second collar. The detent 270 engages the second collar. With respect to claim 10, Galant teaches a lock body 18, a lock 272, and an enclosed area between the lock body 18 and the arm 32, 36 of the cable plug 14.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over McFarland in view of Monaco.

Monaco teaches a loop portion and cable box as set forth above. It would have been obvious to utilize a cable with a loop portion and cable box with the lock assembly of McFarland, in view of the teaching of Monaco, the motivation being to keep all cables organized and in a compact assembly.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 703-308-0828. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 703-308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
December 10, 2004

Lloyd A. Gall
Primary Examiner